



General Assembly

January Session, 2013

Raised Bill No. 870

LCO No. 2965



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING VICTIM COMPENSATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-201 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 As used in sections 54-201 to 54-233, inclusive, as amended by this
4 act:

5 (1) "Victim" means a person who [is] (A) Is injured, [or] threatened
6 with physical injury or death, or killed [as provided in section 54-209]
7 in the course of or as a result of (i) the commission or attempted
8 commission by another of a crime; (ii) an attempt to prevent the
9 commission of a crime or to apprehend a suspected criminal; (iii)
10 aiding or attempting to aid a police officer in preventing the
11 commission of a crime or apprehending a suspected criminal; or (iv)
12 any crime involving international terrorism, as defined in 18 USC 2331,
13 as amended from time to time; (B) is a victim of or a witness to
14 domestic terrorism; or (C) qualifies for compensation under subsection
15 (b) of section 54-209, as amended by this act;

16 (2) ["Personal injury"] "Injury" means (A) [actual bodily harm and
17 mental anguish which is the direct result of bodily injury] physical
18 injury, or emotional harm resulting from a threat of physical injury or
19 death, and includes pregnancy and any condition thereof, or (B) injury
20 to a guide dog or assistance dog owned or kept by a blind or disabled
21 person;

22 (3) "Dependent" means (A) any relative of a deceased victim who
23 was wholly or partially dependent on the victim's income at the time
24 of the victim's death, or (B) a person designated by a deceased victim
25 in accordance with section 1-56r; [who was wholly or partially
26 dependent upon his income at the time of his death or the child of a
27 deceased victim and shall include the child of such victim born after
28 his death;]

29 (4) "Relative" means a [person's] victim's spouse, parent,
30 grandparent, stepparent, child, including a natural born child born
31 prior to, on or after the date of the victim's death, stepchild and
32 adopted child, grandchild, brother, sister, half brother or half sister, [or
33 a parent of a person's] "Relative" may include a parent of a victim's
34 spouse, an aunt, uncle, niece, nephew, fiancé, fiancée, brother-in-law
35 or sister-in-law. "Relative" does not include any person responsible for
36 the crime that resulted in the injury or death of the victim;

37 (5) "Crime" means any act which is a felony, as defined in section
38 53a-25, or a misdemeanor, as defined in section 53a-26, and includes
39 any delinquent act, serious juvenile offense or crime committed by a
40 [juvenile] child or youth;

41 (6) "Domestic terrorism" means any act of terrorism committed in
42 violation of section 53a-300;

43 (7) "Victim of domestic terrorism" means a person who has suffered
44 or is likely to suffer an injury as a result of being in direct proximity to
45 an act of domestic terrorism, and includes, but is not limited to, any
46 individual responding to the location of an act of domestic terrorism;

47 (8) "Witness to domestic terrorism" means a person who has
48 suffered or is likely to suffer an injury as a result of being in the
49 general proximity of an act of domestic terrorism, and has witnessed
50 the domestic terrorism through any of the witness' five senses; and

51 (9) "Services" means any services provided to a victim, that the
52 Office of Victim Services determines to be compensable, including, but
53 not limited to, medical services, psychiatric services, psychological
54 services, social services and social rehabilitation services.

55 Sec. 2. Subsection (a) of section 54-202 of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2013*):

58 (a) On or before July 1, 1993, the Governor shall appoint five victim
59 compensation commissioners for a term of four years to conduct
60 hearings and make determinations as provided in sections 54-201 to
61 [54-233] 54-218, inclusive, as amended by this act. To be eligible for
62 appointment, a victim compensation commissioner shall have been
63 admitted to the practice of law in this state for at least five years prior
64 to the appointment.

65 Sec. 3. Subdivisions (1) to (7), inclusive, of section (b) of section 54-
66 203 of the general statutes are repealed and the following is substituted
67 in lieu thereof (*Effective October 1, 2013*):

68 (1) To direct each hospital, whether public or private, to display
69 prominently in its emergency room posters giving notice of the
70 availability of compensation and assistance to victims of crime or their
71 dependents pursuant to [sections 54-201 to 54-233, inclusive] this
72 chapter, and to direct [every] each law enforcement agency of the state
73 to inform victims of crime or their dependents of their rights pursuant
74 to [sections 54-201 to 54-233, inclusive] this chapter;

75 (2) To request from the office of the state's attorney, state police,
76 local police departments or any law enforcement agency such

77 investigation and data as will enable the Office of Victim Services to
78 determine if in fact the applicant was a victim of a crime or attempted
79 crime and the extent, if any, to which the victim or claimant was
80 responsible for his or her own injury;

81 (3) To request from the Department of Correction, other units of the
82 Judicial Department and the Board of Pardons and Paroles such
83 information as will enable the Office of Victim Services to determine if
84 in fact a person who has requested notification pursuant to section 54-
85 228 was a victim of a crime;

86 (4) To direct the medical examination of [victims] a victim as a
87 requirement for payment under sections 54-201 to [54-233] 54-218,
88 inclusive, as amended by this act;

89 (5) To take or cause to be taken affidavits or depositions within or
90 [without the] outside of this state;

91 (6) To apply for, receive, allocate, disburse and account for grants of
92 funds made available by the United States, by the state, foundations,
93 corporations and other businesses, agencies or individuals to
94 implement a program for victim services which shall assist witnesses
95 and victims of crimes as the Office of Victim Services deems
96 appropriate within the resources available and to coordinate services
97 to victims by state and community-based agencies, with priority given
98 to victims of violent crimes, by (A) assigning, in consultation with the
99 Division of Criminal Justice, such victim advocates as are necessary to
100 provide assistance; (B) administering victim service programs; and (C)
101 awarding grants or purchase of service contracts to private nonprofit
102 organizations or local units of government for the direct delivery of
103 services, except that the provision of training and technical assistance
104 of victim service providers and the development and implementation
105 of public education campaigns may be provided by private nonprofit
106 or for-profit organizations or local units of government. Such grants
107 and contracts shall be the predominant method by which the Office of

108 Victim Services shall develop, implement and operate direct service
109 programs and provide training and technical assistance to victim
110 service providers;

111 (7) To provide each person who applies for compensation pursuant
112 to section 54-204, as amended by this act, within ten days of the date of
113 receipt of such application, with a written list of rights of victims of
114 crime involving [personal] injury and the programs available in this
115 state to assist such victims. The Office of Victim Services, the state or
116 any agent, employee or officer thereof shall not be liable for the failure
117 to supply such list or any alleged inadequacies of such list. Such list
118 shall include, but not be limited to:

119 (A) Subject to the provisions of sections 18-81e and 51-286e, the
120 victim shall have the right to be informed concerning the status of his
121 or her case and to be informed of the release from custody of the
122 defendant;

123 (B) Subject to the provisions of section 54-91c, the victim shall have
124 the right to present a statement of his or her losses, injuries and wishes
125 to the prosecutor and the court prior to the acceptance by the court of a
126 plea of guilty or nolo contendere made pursuant to a plea agreement
127 with the state wherein the defendant pleads to a lesser offense than the
128 offense with which the defendant was originally charged;

129 (C) Subject to the provisions of section 54-91c, prior to the
130 imposition of sentence upon the defendant, the victim shall have the
131 right to submit a statement to the prosecutor as to the extent of any
132 injuries, financial losses and loss of earnings directly resulting from the
133 crime;

134 (D) Subject to the provisions of section 54-126a, the victim shall have
135 the right to appear before a panel of the Board of Pardons and Paroles
136 and make a statement as to whether the defendant should be released
137 on parole and any terms or conditions to be imposed upon any such
138 release;

139 (E) Subject to the provisions of section 54-36a, the victim shall have
140 the right to have any property the victim owns which was seized by
141 police in connection with an arrest to be returned;

142 (F) Subject to the provisions of sections 54-56e and 54-142c, the
143 victim shall have the right to be notified of the application by the
144 defendant for the pretrial program for accelerated rehabilitation and to
145 obtain from the court information as to whether the criminal
146 prosecution in the case has been dismissed;

147 (G) Subject to the provisions of section 54-85b, the victim cannot be
148 fired, harassed or otherwise retaliated against by an employer for
149 appearing under a subpoena as a witness in any criminal prosecution;

150 (H) Subject to the provisions of section 54-86g, the parent or legal
151 guardian of a child twelve years of age or younger who is a victim of
152 child abuse or sexual assault may request special procedural
153 considerations to be taken during the testimony of the child;

154 (I) Subject to the provisions of section 46b-15, the victim of assault
155 by a spouse or former spouse, family or household member has the
156 right to request the arrest of the offender, request a protective order
157 and apply for a restraining order;

158 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
159 the victim of sexual assault or domestic violence can expect certain
160 records to remain confidential; and

161 (K) Subject to the provisions of section 53a-32, the victim may
162 receive notification from a probation officer whenever the officer has
163 notified a police officer that the probation officer has probable cause to
164 believe that the offender has violated a condition of such offender's
165 probation.

166 Sec. 4. Subdivisions (15) to (18), inclusive, of subsection (b) of
167 section 54-203 of the general statutes are repealed and the following is

168 substituted in lieu thereof (*Effective October 1, 2013*):

169 (15) Within available appropriations, to establish a crime victims'
170 information clearinghouse which shall be a central repository for
171 information collected pursuant to subdivision (9) of this subsection
172 and information made available through the criminal justice
173 information system, to provide a toll-free telephone number for access
174 to such information and to develop a plan, in consultation with all
175 agencies required to provide notification to victims, outlining any
176 needed statutory changes, resources and working agreements
177 necessary to make the Office of Victim Services the lead agency for
178 notification of victims, which plan shall be submitted to the General
179 Assembly not later than February 15, 2000;

180 (16) To provide a training program for judges, prosecutors, police
181 officers, probation and parole personnel, bail commissioners, intake,
182 assessment and referral specialists, officers from the Department of
183 Correction and judicial marshals to inform them of victims' rights and
184 available services;

185 (17) To establish a sexual assault forensic examiners program [that
186 will] to train and make available sexual assault forensic examiners to
187 adolescent and adult victims of sexual assault who are patients at
188 participating acute care hospitals. In order to establish and implement
189 such program, the Office of Victim Services may apply for, receive,
190 allocate, disburse and account for grants of funds made available by
191 the United States, the state, foundations, corporations and other
192 businesses, agencies or individuals; and

193 (18) To submit to the joint standing committee of the General
194 Assembly having cognizance of matters relating to victim services, in
195 accordance with the provisions of section 11-4a, on or before January
196 15, 2000, and biennially thereafter a report of its activities under
197 [sections 54-201 to 54-233, inclusive] this chapter, including, but not
198 limited to, implementation of training activities and mandates. Such

199 report shall [include] indicate the types of training provided, the
200 entities providing training and the recipients of training.

201 Sec. 5. Section 54-204 of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective October 1, 2013*):

203 (a) Any person who may be eligible for compensation or
204 [restitution] services, or both, pursuant to sections 54-201 to [54-233]
205 54-218, inclusive, as amended by this act, may make application
206 therefor to the Office of Victim Services. If the person entitled to make
207 application is a minor or incompetent person, the application may be
208 made on such person's behalf by a parent, guardian or other legal
209 representative of the minor or incompetent person.

210 (b) In order to be eligible for compensation or [restitution] services
211 under sections 54-201 to [54-233] 54-218, inclusive, as amended by this
212 act, the applicant shall, prior to a determination on any application
213 made pursuant to sections 54-201 to [54-233] 54-218, inclusive, as
214 amended by this act, submit reports if reasonably available from [all
215 physicians or surgeons who have] each physician or surgeon who has
216 treated or examined the victim in relation to the injury for which
217 compensation is claimed at the time of or subsequent to the victim's
218 injury or death. If, in the opinion of the Office of Victim Services or, on
219 review, a victim compensation commissioner, reports on the previous
220 medical history of the victim, examination of the injured victim and a
221 report [thereon] on such examination or a report on the cause of death
222 of the victim by an impartial medical expert would be of material aid
223 to [its] a just determination by the office or commissioner, [said] the
224 office or commissioner shall order such reports and examinations. Any
225 information received by the office or commissioner which is
226 confidential in accordance with any provision of the general statutes or
227 federal law shall remain confidential while in the custody of the Office
228 of Victim Services or a victim compensation commissioner.

229 Sec. 6. Section 54-205 of the general statutes is repealed and the

230 following is substituted in lieu thereof (*Effective October 1, 2013*):

231 (a) Upon application made under the provisions of sections 54-201
232 to [54-233] 54-218, inclusive, as amended by this act, the Office of
233 Victim Services shall evaluate such application, make an appropriate
234 determination in writing, and provide notice to the applicant of such
235 determination. In order to make a determination on an application, the
236 Office of Victim Services may administer oaths or affirmations, may
237 subpoena any witness to appear or may issue a subpoena duces tecum,
238 provided no subpoena shall be issued except under the signature of a
239 victim compensation commissioner. Any application to any court for
240 aid in enforcing such subpoena may be made in the name of the Office
241 of Victim Services only by a victim compensation commissioner.
242 Subpoenas shall be served by any person designated by a victim
243 compensation commissioner.

244 (b) An applicant may request that a determination made pursuant
245 to subsection (a) of this section be reviewed by a victim compensation
246 commissioner by filing a request for review with the Office of Victim
247 Services, on a form prescribed by the Office of the Chief Court
248 Administrator, within thirty days from mailing of the notice of such
249 determination.

250 (c) For the purposes of carrying out the provisions of sections 54-201
251 to [54-233] 54-218, inclusive, as amended by this act, a victim
252 compensation commissioner shall hear any request for review filed by
253 an applicant pursuant to sections 54-201 to [54-233] 54-218, inclusive,
254 as amended by this act, to which such commissioner is assigned and
255 shall make a written determination on such application for
256 compensation. A victim compensation commissioner shall hold such
257 hearings and take such testimony as such commissioner [may deem]
258 deems advisable. A commissioner may administer oaths or
259 affirmations to witnesses and shall have full power to subpoena any
260 witness to appear and give testimony or to issue a subpoena duces
261 tecum. Subpoenas shall be served by any person designated by a

262 victim compensation commissioner.

263 (d) No [witness] person under subpoena authorized to be issued [by
264 the provisions of] under this section shall be excused from testifying or
265 from producing records, papers or documents. If any person disobeys
266 such process or, having appeared in obedience [thereto] to such
267 process, refuses to answer any pertinent question put to [him] such
268 person by the victim compensation commissioner or to produce any
269 records, papers or documents and appears pursuant thereto, said
270 commissioner may apply to the superior court for the judicial district
271 of Hartford [,] setting forth such disobedience to process or refusal to
272 answer. The court shall cite such person to appear before [said] the
273 court to answer such question or to produce such records, papers or
274 documents or to show cause why a question put to [him] such person
275 should not be answered or why such records, papers or documents
276 should not be produced. Upon such person's refusal to answer or
277 produce records, papers or documents or to show cause, the court may
278 commit such person to a community correctional center until such
279 person complies, but not for a longer period than sixty days.
280 Notwithstanding any such commitment of such person, the victim
281 compensation commissioner may proceed with the hearing as if such
282 [witness] person had testified adversely regarding [his] such person's
283 interest in the proceeding.

284 (e) The applicant and any other person having a substantial interest
285 in a proceeding may appear before the victim compensation
286 commissioner and be heard, produce evidence and cross-examine
287 witnesses in person or by [his] such applicant's or other person's
288 attorney. The victim compensation commissioner also may hear such
289 other persons as in the commissioner's judgment may have relevant
290 evidence to submit.

291 (f) Any statement, document, information or matter may be
292 considered by the Office of Victim Services or, on review, by a victim
293 compensation commissioner, if in the opinion of said office or

294 commissioner, it contributes to a determination of the claim, whether
295 or not the same would be admissible in a court of law.

296 (g) If any person has been convicted of any [offense] crime with
297 respect to an act on which a claim under sections 54-201 to [54-233] 54-
298 218, inclusive, as amended by this act, is based, proof of that conviction
299 shall be taken as conclusive evidence that the [offense] crime has been
300 committed by such person, unless an appeal or any proceeding with
301 regard [thereto] to the conviction is pending.

302 Sec. 7. Section 54-206 of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective October 1, 2013*):

304 The Office of Victim Services or, on review, a victim compensation
305 commissioner may, as part of any order entered under sections 54-201
306 to [54-233] 54-218, inclusive, as amended by this act, determine and
307 allow reasonable attorney's fees, which shall not exceed fifteen per cent
308 of the amount awarded as compensation under section 54-208, as
309 amended by this act, to be paid out of but not in addition to the
310 amount of such compensation. No [such] attorney shall ask for,
311 contract for or receive any larger sum than the amount so allowed
312 under this section.

313 Sec. 8. Section 54-207a of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective October 1, 2013*):

315 The Office of the Chief Court Administrator shall prescribe such
316 policies and procedures, as deemed necessary, to implement the
317 provisions of [sections 54-201 to 54-233, inclusive] this chapter, and
318 may formulate standards for the uniform application of the payment
319 of compensation of claims under sections 54-201 to 54-218, inclusive, as
320 amended by this act.

321 Sec. 9. Section 54-208 of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective October 1, 2013*):

323 (a) If a person is injured or killed as [provided] described in section
324 54-209, as amended by this act, the Office of Victim Services or, on
325 review, a victim compensation commissioner may order the payment
326 of compensation in accordance with the provisions of sections 54-201
327 to [54-233] 54-218, inclusive, as amended by this act: (1) To or for the
328 benefit of the injured person; (2) in the case of [personal] injury of the
329 victim, to any person responsible for the maintenance of the victim
330 who has suffered pecuniary loss as a result of such injury; or (3) in the
331 case of death of the victim, to or for the benefit of any one or more of
332 the dependents of the victim, including any dependent child of a
333 homicide victim who was killed by the other parent, or to any person
334 who has suffered pecuniary loss, including, but not limited to, funeral
335 expenses, as a result of such death.

336 (b) For the purposes of sections 54-201 to [54-233] 54-218, inclusive,
337 as amended by this act, a person shall be deemed to have intended an
338 act notwithstanding that, by reason of age, insanity, drunkenness or
339 otherwise, [he] such person was legally incapable of forming a
340 criminal intent.

341 (c) In determining whether to make an order under this section, the
342 Office of Victim Services or, on review, a victim compensation
343 commissioner, shall consider all circumstances determined to be
344 relevant, including, but not limited to, provocation, consent or any
345 other behavior of the victim which directly or indirectly contributed to
346 such victim's injury or death, the extent of the victim's cooperation in
347 investigating the application and the extent of the victim's cooperation
348 with law enforcement agencies in their efforts to apprehend and
349 prosecute the offender, and any other relevant matters.

350 (d) An order may be made under this section whether or not any
351 person is prosecuted or convicted of any [offense] crime arising out of
352 such act. Upon application made by an appropriate prosecuting
353 authority, the Office of Victim Services or a victim compensation
354 commissioner may suspend making any determination or any

355 proceedings, as the case may be, under sections 54-201 to [54-233] 54-
356 218, inclusive, as amended by this act, for such period as [it] the office
357 or commissioner deems appropriate on the ground that a prosecution
358 for [an offense] a crime arising out of such act [or omission] has been
359 commenced or is imminent.

360 (e) In determining the amount of compensation to be allowed, the
361 Office of Victim Services or, on review, a victim compensation
362 commissioner shall take into consideration amounts that the applicant
363 has received or is eligible to receive from any other source or sources,
364 including, but not limited to, payments from state and municipal
365 agencies, insurance benefits [,] and workers' compensation awards, as
366 a result of the [incident or offense] crime giving rise to the application.

367 (f) Payments shall be made in a manner to be determined by the
368 Office of Victim Services, including, but not limited to, lump sum or
369 periodic payments. If an award is not claimed by the applicant within
370 forty-five days after notice of the award, the Office of Victim Services
371 may vacate such award or may order payments from such award to
372 health care providers or victim service providers and vacate any
373 remaining amount of such award.

374 Sec. 10. Section 54-209 of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective October 1, 2013*):

376 (a) The Office of Victim Services or, on review, a victim
377 compensation commissioner may order the payment of compensation
378 to any victim in accordance with the provisions of sections 54-201 to
379 [54-233] 54-218, inclusive, as amended by this act. [for personal injury
380 or death which resulted from: (1) An attempt to prevent the
381 commission of crime or to apprehend a suspected criminal or in aiding
382 or attempting to aid a police officer so to do, (2) the commission or
383 attempt to commit by another of any crime as provided in section 53a-
384 24, (3) any crime involving international terrorism as defined in
385 Section 2331 of Title 18 of the United States Code.]

386 (b) The Office of Victim Services or, on review, a victim
387 compensation commissioner may also order the payment of
388 compensation in accordance with the provisions of sections 54-201 to
389 [54-233] 54-218, inclusive, as amended by this act, for [personal] injury
390 or death that resulted from the operation of a motor vehicle by another
391 person who was subsequently convicted with respect to such
392 operation for a violation of subsection (a) or (b) of section 14-224 or
393 section 14-225, 14-227a, 53a-56b or 53a-60d. In the absence of a
394 conviction, the Office of Victim Services or, on review, a victim
395 compensation commissioner may order payment of compensation
396 under this section if, upon consideration of all circumstances
397 determined to be relevant, the office or commissioner, as the case may
398 be, reasonably concludes that another person has operated a motor
399 vehicle in violation of subsection (a) or (b) of section 14-224 or section
400 14-225, 14-227a, 53a-56b or 53a-60d.

401 (c) Except as provided in subsection (b) of this section, no act
402 involving the operation of a motor vehicle which results in injury shall
403 constitute a crime for the purposes of sections 54-201 to [54-233] 54-
404 218, inclusive, as amended by this act, unless the injuries were
405 intentionally inflicted through the [use] operation of the vehicle.

406 (d) [In instances where] If a violation of section 53-21, 53a-70, 53a-
407 70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been
408 alleged, the Office of Victim Services or, on review, a victim
409 compensation commissioner may order compensation be paid if: (1)
410 [the personal] The injury has been disclosed to: (A) A physician or
411 surgeon licensed under chapter 370; (B) a resident physician or intern
412 in any hospital in this state, whether or not licensed; (C) a physician
413 assistant licensed under chapter 370; (D) an advanced practice
414 registered nurse, registered nurse or practical nurse licensed under
415 chapter 378; (E) a psychologist licensed under chapter 383; (F) a police
416 officer; (G) a mental health professional; (H) an emergency medical
417 services provider licensed or certified under chapter 368d; (I) an
418 alcohol and drug counselor licensed or certified under chapter 376b; (J)

419 a marital and family therapist licensed under chapter 383a; (K) a sexual
420 assault counselor or battered women's counselor as defined in section
421 52-146k; (L) a professional counselor licensed under chapter 383c; (M)
422 a clinical social worker licensed under chapter 383b; or (N) an
423 employee of the Department of Children and Families; and (2) the
424 office or commissioner, as the case may be, reasonably concludes that a
425 violation of any of said sections has occurred.

426 (e) Evidence of an order for the payment of compensation by the
427 Office of Victim Services or a victim compensation commissioner in
428 accordance with the provisions of sections 54-201 to [54-233] 54-218,
429 inclusive, as amended by this act, shall not be admissible in any civil
430 proceeding to prove the liability of any person for such [personal]
431 injury or death or in any criminal proceeding to prove the guilt or
432 innocence of any person for any crime.

433 Sec. 11. Section 54-210 of the general statutes is repealed and the
434 following is substituted in lieu thereof (*Effective October 1, 2013*):

435 (a) The Office of Victim Services or, on review, a victim
436 compensation commissioner may order the payment of compensation
437 under sections 54-201 to [54-233] 54-218, inclusive, as amended by this
438 act, for: (1) Expenses actually and reasonably incurred as a result of the
439 [personal] injury or death of the victim, provided coverage for the cost
440 of medical care and treatment of a crime victim who does not have
441 medical insurance or who has exhausted coverage under applicable
442 health insurance policies or Medicaid shall be ordered; (2) loss of
443 earning power as a result of total or partial incapacity of [such] an
444 injured victim; (3) pecuniary loss to the spouse or dependents of [the] a
445 deceased victim, provided the family qualifies for compensation as a
446 result of [murder or manslaughter] homicide of the victim; (4)
447 pecuniary loss to an injured victim or the relatives or dependents of a
448 deceased victim [for] resulting from their attendance at court
449 proceedings with respect to the criminal case of the person or persons
450 charged with committing the crime that resulted in the injury or death

451 of the victim; [and] (5) loss of wages by any parent or guardian of a
452 deceased victim who is a minor, provided the total amount paid under
453 this subdivision shall not exceed five thousand dollars; and (6) any
454 other loss, except as set forth in section 54-211, as amended by this act,
455 resulting from the [personal] injury or death of [the] a victim which the
456 Office of Victim Services or a victim compensation commissioner, as
457 the case may be, determines to be reasonable.

458 (b) Payment of compensation under sections 54-201 to [54-233] 54-
459 218, inclusive, as amended by this act, may be made to a person who is
460 a recipient of public assistance or state-administered general assistance
461 for necessary and reasonable expenses related to injuries resulting
462 from a crime and not provided for by the [income] assistance program
463 in which such person is a participant. Unless required by federal law,
464 no such payment shall be considered an asset for [purposes] the
465 purpose of determining eligibility for such assistance.

466 Sec. 12. Section 54-211 of the general statutes is repealed and the
467 following is substituted in lieu thereof (*Effective October 1, 2013*):

468 (a) (1) No order for the payment of compensation shall be made
469 under section 54-210, as amended by this act, unless (A) the
470 application has been made within two years after the date of the
471 [personal] injury or death, (B) the [personal] injury or death was the
472 result of [an incident or offense] a crime listed in subsection (b) of
473 section 54-209, as amended by this act, and (C) such [incident or
474 offense] crime has been reported to the police within five days of its
475 occurrence or, if the [incident or offense] crime could not reasonably
476 have been reported within such period, within five days of the time
477 when a report could reasonably have been made, except [that a victim
478 of a sexual assault shall not be ineligible for the payment of
479 compensation by reason of failing to make a report pursuant to this
480 subparagraph if such victim presented himself or herself to a health
481 care facility within seventy-two hours of such sexual assault for
482 examination and collection of evidence of such sexual assault in

483 accordance with the provisions of section 19a-112a] as provided in
484 subsection (d) of section 54-209, as amended by this act.

485 (2) Notwithstanding the provisions of subdivision (1) of this
486 subsection, any person who, before, on or after October 1, 2005, fails to
487 make application for compensation within two years after the date of
488 the [personal] injury or death as a result of physical, emotional or
489 psychological injuries caused by [such personal] the injury or death
490 may apply for a waiver of such time limitation. The Office of Victim
491 Services, upon a finding of such physical, emotional or psychological
492 injury, may grant such waiver.

493 (3) Notwithstanding the provisions of subdivision (1) of this
494 subsection, any minor who, before, on or after October 1, 2005, fails to
495 make application for compensation within two years after the date of
496 the [personal] injury or death through no fault of the minor, may apply
497 for a waiver of such time limitation. The Office of Victim Services,
498 upon a finding that such minor is not at fault for such failure to make
499 application, may grant such waiver.

500 (4) Notwithstanding the provisions of subdivision (1) of this
501 subsection, a person who is a dependent of a victim may make
502 application for payment of compensation not later than two years from
503 the date that such person discovers or in the exercise of reasonable care
504 should have discovered that the person upon whom the applicant was
505 dependent was a victim or ninety days after May 26, 2000, whichever
506 is later. Such person shall file with such application a statement signed
507 under penalty of false statement setting forth the date when such
508 person discovered that the person upon whom the applicant was
509 dependent was a victim and the circumstances that prevented such
510 person discovering that the person upon whom the applicant was
511 dependent was a victim until more than two years after the date of the
512 [incident or offense] crime. There shall be a rebuttable presumption
513 that a person who files such a statement and is otherwise eligible for
514 compensation pursuant to sections 54-201 to [54-233] 54-218, inclusive,

515 as amended by this act, is entitled to compensation.

516 (5) Any waiver denied by the Office of Victim Services under this
517 subsection may be reviewed by a victim compensation commissioner,
518 provided such request for review is made by the applicant within
519 thirty days from the mailing of the notice of denial by the Office of
520 Victim Services. If a victim compensation commissioner grants such
521 waiver, the commissioner shall refer the application for compensation
522 to the Office of Victim Services for a determination pursuant to section
523 54-205, as amended by this act.

524 (6) Notwithstanding the provisions of [subdivision] subdivisions
525 (1), (2) [or] and (3) of this subsection, the Office of Victim Services may,
526 for good cause shown and upon a finding of compelling equitable
527 circumstances, waive the time limitations of subdivision (1) of this
528 subsection.

529 (b) No compensation shall be awarded if: (1) The offender is
530 unjustly enriched by the award, provided compensation awarded to a
531 victim which would benefit the offender in a minimal or
532 inconsequential manner shall not be considered unjust enrichment; or
533 (2) the victim [violated a penal law] committed a crime under the laws
534 of this state, which [violation] crime caused or contributed to [his] the
535 victim's injuries or death.

536 (c) No compensation shall be awarded for losses sustained for
537 crimes against property or for noneconomic [detriment] damages such
538 as pain and suffering.

539 (d) (1) No compensation shall be in an amount in excess of fifteen
540 thousand dollars, except that compensation to or for the benefit of the
541 dependents of a homicide victim shall be in an amount not to exceed
542 twenty-five thousand dollars. The claims of the dependents of a
543 deceased victim, as provided in section 54-208, as amended by this act,
544 shall be considered derivative of the claim of such victim and the total
545 compensation paid for all claims arising from the death of such victim

546 shall not exceed a maximum of twenty-five thousand dollars.

547 (2) Notwithstanding the provisions of subdivision (1) of this
548 subsection, the Office of Victim Services or, upon review, a victim
549 compensation commissioner may, for good cause shown and upon a
550 finding of compelling equitable circumstances, award compensation in
551 an amount in excess of the maximum amounts set forth in said
552 subdivision.

553 (e) Orders for payment of compensation pursuant to sections 54-201
554 to [54-233] 54-218, inclusive, as amended by this act, may be made only
555 as to injuries or death resulting from [incidents or offenses] crimes
556 arising on and after January 1, 1979, except that orders for payment of
557 compensation pursuant to subsection (b) of section 54-209, as amended
558 by this act, may be made only as to injuries or death resulting from
559 [incidents or offenses arising on and] crimes occurring on or after July
560 1, 1985.

561 (f) Compensation shall be awarded pursuant to sections 54-201 to
562 [54-233] 54-218, inclusive, as amended by this act, for [bodily] injury or
563 death resulting from a crime which occurs (1) within this state,
564 regardless of the residency of the applicant; (2) outside of this state but
565 within the territorial boundaries of the United States, provided the
566 victim, at the time of injury or death, was a resident of this state and
567 the state in which such crime occurred does not have a program for
568 compensation of victims for which such victim is eligible; and (3)
569 outside the territorial boundaries of the United States, provided the
570 applicant is a victim of international terrorism, as defined in [Section
571 2331 of Title 18 of the United States Code] 18 USC 2331, as amended
572 from time to time, and was a resident of this state at the time of the
573 injury or death.

574 Sec. 13. Section 54-212 of the general statutes is repealed and the
575 following is substituted in lieu thereof (*Effective October 1, 2013*):

576 (a) Whenever an order for the payment of compensation for

577 [personal] injury, [or] death or [for] the provision of [restitution]
578 services is or has been made under sections 54-201 to [54-233] 54-218,
579 inclusive, as amended by this act, the Office of Victim Services shall,
580 upon payment of the amount [of the order] ordered or the provision of
581 such services, be subrogated to the cause of action of the applicant
582 against the person or persons responsible for such injury or death. The
583 Attorney General, on behalf of the Office of Victim Services, shall be
584 entitled to bring an action and, if the Attorney General declines to [do
585 so] bring an action, the office may hire a private attorney to bring an
586 action against such person or persons and to recover, whether by
587 judgment, settlement or compromise settlement before or after
588 judgment, the amount of damages sustained by the applicant and shall
589 furnish the applicant with a copy of the action taken [within thirty
590 days of] not later than thirty days after the filing of such action. If an
591 amount greater than two-thirds of that paid pursuant to any such
592 order is recovered and collected in any such action, whether by
593 judgment, settlement or compromise settlement before or after
594 judgment, the state shall pay the balance exceeding two-thirds of the
595 amount paid pursuant to such order to the applicant less any costs and
596 expenses incurred therefor.

597 (b) If the applicant brings an action against the person or persons
598 responsible for such injury or death to recover damages arising out of
599 the crime for which an award has been granted, or, if the applicant
600 recovers money from any other source or sources including, but not
601 limited to, payments from state or municipal agencies, insurance
602 benefits or workers' compensation awards as a result of the [incident
603 or offense] crime giving rise to the application, the Office of Victim
604 Services shall have a lien on the applicant's recovery for the amount to
605 which the office is entitled to reimbursement. If [an action is brought
606 by] the applicant brings an action against the person or persons
607 responsible for [the] such injury or death, the applicant shall notify the
608 Office of Victim Services of the filing of such complaint [within thirty
609 days of] not later than thirty days after the filing of the complaint in

610 court. Whenever an applicant recovers damages, whether by
611 judgment, settlement or compromise settlement before or after
612 judgment, from the person or persons responsible for such injury or
613 death, and whenever an applicant recovers money from any other
614 source or sources including, but not limited to, payments from state or
615 municipal agencies, insurance benefits or workers' compensation
616 awards as a result of the [incident or offense] crime giving rise to the
617 application, the Office of Victim Services is entitled to reimbursement
618 from the applicant for two-thirds of the amount paid pursuant to any
619 order for the payment of compensation for [personal] injury or death
620 or for the provision of restitution services.

621 (c) Notwithstanding the provisions of subsection (a) of this section,
622 if the Office of Victim Services finds that enforcement of its
623 subrogation rights would cause undue harm to the applicant, the office
624 may abrogate such rights. Notwithstanding the provisions of
625 subsection (b) of this section, if the Office of Victim Services finds that
626 enforcement of its lien rights would cause undue harm to the
627 applicant, the office may abrogate such rights. "Undue harm" includes,
628 but is not limited to, considerations of victim safety and recovery by
629 the applicant of an amount that is less than the applicant's
630 compensable economic losses.

631 Sec. 14. Subsection (a) of section 54-215 of the general statutes is
632 repealed and the following is substituted in lieu thereof (*Effective*
633 *October 1, 2013*):

634 (a) The Office of Victim Services shall establish a Criminal Injuries
635 Compensation Fund for the purpose of funding the compensation and
636 [restitution] services provided for by sections 54-201 to [54-233] 54-218,
637 inclusive, as amended by this act. The fund may contain any moneys
638 required by law to be deposited in the fund and shall be held by the
639 Treasurer separate and apart from all other moneys, funds and
640 accounts. The interest derived from the investment of the fund shall be
641 credited to the fund. Amounts in the fund may be expended only

642 pursuant to appropriation by the General Assembly, except that any
643 recovery from the person or persons responsible for the injury or death
644 or any reimbursement from the applicant received by the Office of
645 Victim Services pursuant to section 54-212, as amended by this act, and
646 deposited in the fund may be expended in the subsequent fiscal year.
647 Any balance remaining in the fund at the end of any fiscal year shall be
648 carried forward in the fund for the fiscal year next succeeding.

649 Sec. 15. Section 54-216 of the general statutes is repealed and the
650 following is substituted in lieu thereof (*Effective October 1, 2013*):

651 (a) The Office of Victim Services or, on review, a victim
652 compensation commissioner may order that services be provided for
653 [the restitution of] any person eligible for such services in accordance
654 with the provisions of sections 54-201 to [54-233] 54-218, inclusive, as
655 amended by this act. Such services may include, but shall not be
656 limited to, medical services, psychiatric services, psychological
657 services, [and] social services and social rehabilitation services.

658 (b) The Office of Victim Services or, on review, a victim
659 compensation commissioner may order that such [restitution] services
660 be provided to: [victims] (1) Victims of child abuse and [members of
661 their families] their relatives, (2) victims of sexual assault and
662 [members of their families] their relatives, (3) victims of domestic
663 violence and [members of their families] their relatives, [members of
664 the family] (4) the relatives of any victim of a homicide, [and] (5)
665 children who witness [domestic] a homicide resulting from domestic
666 violence, including, but not limited to, children who are not related to
667 the victim, (6) victims of domestic terrorism, and (7) witnesses to
668 domestic terrorism. [For the purposes of this subsection, "members of
669 their families" or "member of the family" does not include the person
670 responsible for such child abuse, sexual assault, domestic violence or
671 homicide.]

672 (c) The Office of Victim Services may contract with any public or

673 private agency for any services ordered under this section.

674 Sec. 16. Section 54-220 of the general statutes is repealed and the
675 following is substituted in lieu thereof (*Effective October 1, 2013*):

676 (a) Victim advocates shall have the following responsibilities and
677 duties: (1) To provide initial screening of each [personal injury] case
678 that may qualify for compensation or services under this chapter; (2) to
679 assist victims in the preparation of victim impact statements to be
680 placed in court files; (3) to notify victims of their rights and request
681 that each victim so notified attest to the fact of such notification of
682 rights on a form developed by the Office of the Chief Court
683 Administrator, which form shall be signed by the victim advocate and
684 the victim and be placed in court files and a copy of which form shall
685 be provided to the victim; (4) to provide information and advice to
686 victims in order to assist such victims in exercising their rights
687 throughout the criminal justice process; (5) to direct victims to public
688 and private agencies for [service] services; (6) to coordinate [victim]
689 victims' applications to the Office of Victim Services; and (7) to assist
690 victims in the processing of claims for court-ordered restitution.

691 (b) Within available appropriations, the Office of Victim Services
692 may contract with any public or private agency for victim advocate
693 services in geographical area courts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	54-201
Sec. 2	<i>October 1, 2013</i>	54-202(a)
Sec. 3	<i>October 1, 2013</i>	54-203(b)(1) to (7)
Sec. 4	<i>October 1, 2013</i>	54-203(b)(15) to (18)
Sec. 5	<i>October 1, 2013</i>	54-204
Sec. 6	<i>October 1, 2013</i>	54-205
Sec. 7	<i>October 1, 2013</i>	54-206
Sec. 8	<i>October 1, 2013</i>	54-207a
Sec. 9	<i>October 1, 2013</i>	54-208

Sec. 10	<i>October 1, 2013</i>	54-209
Sec. 11	<i>October 1, 2013</i>	54-210
Sec. 12	<i>October 1, 2013</i>	54-211
Sec. 13	<i>October 1, 2013</i>	54-212
Sec. 14	<i>October 1, 2013</i>	54-215(a)
Sec. 15	<i>October 1, 2013</i>	54-216
Sec. 16	<i>October 1, 2013</i>	54-220

Statement of Purpose:

To update, revise and conform provisions concerning victim's compensation and services coordinated through the Office of Victim Services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]